

A special meeting of the Board of Public Works was convened at 9:33 a.m. on Monday, August 7, 2006, by Board Member Donald E. Inks, with Board Member Carl P. Littrell present. Board President Gary A. Gilot was not present. Also present was Board Attorney Thomas Bodnar.

AGENDA ITEMS ADDED/REMOVED

- Add - Quotation Award – Morris Performing Arts Center – Alley Drainage
- Remove - Request to Advertise – Stabilization of CSO No. 6
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Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above items were approved to be added/removed from the agenda.

OPENING OF BIDS – SOUTH OLIVE STREET – SANITARY SEWER REPAIR PROJECT – PROJECT NO.106-054 (2006 SEWER BOND)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**SELGE CONSTRUCTION COMPANY, INC.**

2833 South 11<sup>th</sup> Street  
Niles, Michigan 49120

Bid was signed by: Mr. James Boyles  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$808,427.05

**HRP CONSTRUCTION, INC.**

5777 Cleveland Road  
Post Office Box 266  
South Bend, Indiana 46624-0266

Bid was signed by: Mr. Paul Fallon  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$844,948.00

**OSELKA CONSTRUCTION COMPANY**

Post Office Box 253  
Union Pier, Michigan 49129

Bid was signed by: Mr. David Wolf  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$926,222.30

**C&E EXCAVATING, INC.**

53767 County Road 9 North  
Elkhart, Indiana 46514

Bid was signed by: Mr. Thad Bessinger  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$892,149.00

**HERRMAN & GOETZ, INC. DBA UNDERGROUND SERVICES**

225 South Lafayette Boulevard  
South Bend, Indiana 46601

Bid was signed by: Mr. Jeff Wells  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID: \$786,487.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to the Division of Engineering for review and recommendation.

**OPENING OF BIDS – DEMOLITION OF 525 SOUTH MAIN STREET – FORMER STUDEBAKER MUSEUM – PROJECT NO. 106-026 (HUD SECTION 108 LOAN FUNDS)**

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

**RITSCHARD BROS, INC.**

1204 West Sample Street  
South Bend, Indiana 46619

Bid was signed by: Mr. David Reinhold  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   **Base Bid:**       \$291,674.00  
          **Alternate A1:** \$15,000.00

**NATIONAL SALVAGE & SERVICE CORPORATION**

6755 Old State Road 37 South  
Bloomington, Indiana 47401

Bid was signed by: Ms. Catherine Ruf  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was not submitted  
Five percent (5%) Bid Bond was submitted

BID:   **Base Bid:**       \$659,000.00  
          **Alternate A1:** \$15,000.00

**HOMRICH, INC.**

200 Matlin Road  
Carleton, Michigan 48117

Bid was signed by: Ms. Michael T. Brant  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   **Base Bid:**       \$318,400.00  
          **Alternate A1:** \$15,600.00

**C&E EXCAVATING, INC.**

53767 County Road 9  
Elkhart, Indiana 46514

Bid was signed by: Mr. Robert Cox  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   **Base Bid:**     \$197,470.00  
          **Alternate A1:** \$12,528.00

**R&R EXCAVATING, INC.**

2010 Went Avenue  
Mishawka, Indiana 46545

Bid was signed by: Mr. William Loudin  
Non-Collusion Affidavit was in order  
Non-Discrimination commitment form was completed  
Five percent (5%) Bid Bond was submitted

BID:   **Base Bid:**     \$260,000.00  
          **Alternate A1:** \$13,500.00

Mr. Bodnar noted that National Salvage & Service Corporation did not submit their Non-Discrimination commitment form. A representative from National Salvage & Service Corporation was present and acknowledged that this form would be submitted to the Board within 24 hours for their bid to be considered (document received). Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to the Division of Engineering for review and recommendation.

**OPEN/AWARD OF QUOTATION – DEMOLITION OF 1010 LINCOLNWAY EAST –  
FORMER FIRE STATION – PROJECT NO. 105-082 (GENERAL FUND)**

This was the date set for the receiving and opening of sealed Quotations for the above project. The following Quotations were opened and read:

**JACKSON TRUCKING & EXCAVATING**

430 East LaSalle Avenue  
South Bend, Indiana 46601

Quotation was submitted by Mr. Harvey Jackson

QUOTATION: \$12,500.00

**RITSCHARD BROS., INC.**

1204 West Sample Street  
South Bend, Indiana 46619

Quotation was submitted by Ritschard Bros., Inc.

QUOTATION: \$13,877.00

**WARNER & SONS, INC.**

29099 Old U.S. 33 West  
Elkhart, Indian 46515

Quotation was submitted by Mr. Mark Weaver

QUOTATION: \$21,730.00

**B&J EXCAVATION COMPANY, INC.**

1104 West Donald street  
South Bend, Indiana 46613

Quotation was submitted by Mr. Darnell O’Neal

QUOTATION: \$18,499.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the above Quotations were referred to the Division of Engineering for review and recommendation.

Mr. Rob Nichols, City Engineer, advised the Board that upon review of bids received and opened for the above referred to project, the bid of Jackson Trucking & Excavating, 430 East LaSalle Avenue, South Bend, did not complete the unit prices on the proposal, which included disposal of hazardous material and is therefore non-responsive. After reviewing all bids, Mr. Nichols recommends the Board award the Quotation to the lowest responsive and responsible bidder, Ritschard Bros., Inc., 1204 West Sample Street, South Bend, in the amount of \$13,877.00 .

Therefore, Mr. Littrell made a motion that the quotation of Jackson Trucking & Excavating be rejected due to being non-responsive, and award to the next lowest responsive and responsible bidder as outlined above. Mr. Inks seconded the motion, which carried.

**OPENING OF QUOTATIONS – BRICK ROAD WATER MAIN EXTENSION (PORTAGE TO GARDEN OAK DRIVE) – PROJECT NO. 106-065 (WATER WORKS BOND)**

Mr. Inks advised that this was the date set for the receiving and opening of sealed Quotations for the above project. The following Quotations were opened and read:

**RIETH-RILEY CONSTRUCTION COMPANY, INC.**

25200 State Road 23  
Post Office Box 1773  
South Bend, Indiana 46634

Quotation was submitted by Mr. Todd Gosc

QUOTATION:

No.	Description	Amount	Unit Cost
1	Full Depth Mill (6’’)	1,806 sys	\$2.00
2	Hot Mix Asphalt Base (6’’)	1,806 sys	\$13.50
3	Hot Mix Asphalt Surface including Cleaning & Tack	6,667 sys	\$4.50
4	Aggregate Shoulder (If Needed)	556 sys	\$9.25

**WALSH & KELLY, INC.**

24358 State Road 23  
South Bend, Indiana 46614

Quotation was submitted by Mr. Nick Relias

QUOTATION:

No.	Description	Unit Cost	Lump Sum
1	Remove 6.5’ Wide x 2500’ Long Approximately 6’’ Deep/Haul Off Site	\$4.00/SY	\$7,224.00
2	Construct a 6’’ thick Hot Mix Asphalt Base Course in Milled Out Trench	\$13.50/SY	\$25,193.70
3	Construct a 1 & 1/2’’ Hot Mix Asphalt 70-22 Surface Course over Entire Road Approximately	\$4.10/SY	\$25,055.10

	22' Wide (Includes Tack Coat & Striping)		
	Lump Sum for Entire Project		\$57,472.70

**BROOKS CONSTRUCTION COMPANY, INC.**

625 South Beiger Street  
Mishawaka, Indiana 46544

Quotation was submitted by Mr. Harold Joy

**QUOTATION:**

No.	Description	Amount	Unit Cost	Total
1	Remove Designated Asphalt Pavement	1805 sy	\$5.45	\$9,837.25
2	Replace Designated Asphalt Pavement	1805 sy	\$15.25	\$27,526.25
3	Resurface Designated Asphalt Pavement	6,667 sy	\$5.30	\$35,335.10
	Total			\$72,698.60

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the above Quotations were referred to Water Works for review and recommendation.

**AWARD BID – KENSINGTON FARMS/CREST MANOR BASIN DRAINAGE AND STORAGE IMPROVEMENTS – PROJECT NO. 105-013 (SEWER BOND)**

Mr. Jason Durr, Engineering, advised the Board that on July 17, 2006, bids were received and opened for the above referred to project. After reviewing those bids, Mr. Durr recommends that the Board award the contract to Herrman & Goetz dba Underground Services, 225 South Lafayette Boulevard, South Bend, in the amount of \$796,653.33, which is the base bid only. Therefore, Mr. Littrell made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Inks seconded the motion, which carried.

**AWARD BID – TWO-HUNDRED FORTY-EIGHT (248 MORE OR LESS, FIREFIGHTERS PROTECTIVE CLOTHING (EMS CIP 288 AND 2006 CIP)**

Chief Luther Taylor, Fire Department, advised the Board that on June 26, 2006, bids were received and opened for the above referred to project. Chief Taylor expressed his thanks to the Board and Board Attorney for all the work undertaken to process this bid. Mr. Tom Bodnar provided memoranda to the Board dated August 4, 2006.

Mr. Bodnar stated there are two companies left in this evaluation, Total Fire Group (Morning Pride) and Environmental Services Group (Securitex), the lower bidder. Both were given a chance to submit corrected bids and were requested to provide a sample turn out gear conforming with those bids. The original bid package required conforming samples. The samples were timely received. There were 14 exceptions noted in the Environmental Services Group. Four exceptions were noted in the Morning Pride sample.

The most serious of Securitex's shortcomings was the strength of the outer shell material. This is one of the most important components in the package and contributes directly to the safety of firefighters.

IC 5-22-16-2 states that the purchasing agent may consider whether the offerer has submitted an offer that conforms in all material respects to the specifications. The sample submitted is non-conforming in the material respect. The gear does not adequately protect the firefighters who will wear it, nor with the instructions to the offerers. For this reason the Securitex bid may be rejected as non responsive.

If Securitex's bid is rejected as non responsive, then the contract should be awarded to the remaining bidder, which becomes the lowest responsive and responsive. IC 5-22-7-8 authorizes this award.

For the record, while there are four discrepancies between the specifications and the sample submitted by Morning Pride, one of those, Item 4.0, was a mislabel. The garment

complied with the specifications, only the label was defective. The remaining three discrepancies do not appear to be material. The microphone strap, for example, was only half the size requested. However, Securitex did not include any microphone strap. There are only seven rather than eight snaps to secure the liner to the underside of the waistband, although this was substantial compliance, and Securitex provided only five of the eight. Finally, the "D" ring (Item 18.6.3) was located in the correct pocket but incorrectly within the pocket. It is my opinion that none of these discrepancies was a material variation. To accept the Morning Pride bid while rejecting Securitex's would still be treating all offers fairly in accordance with IC 5-22-9-9.

Chief Taylor further stated that the Fire Department met with Environmental Services, to make them aware of their deficiencies.

After reviewing these two (2) bids, Chief Taylor recommends that the Board award the contract to Total Fire Protection in the amount of \$1,462.88 per set, for a total award of \$362,794.24. Therefore, Mr. Littrell made a motion that the bid of Environmental Services be rejected as non-responsive, and the bid be awarded to Total Fire Protection/Morning Pride, Post Office Box 136616, Dayton, Ohio, as outlined above. Mr. Inks seconded the motion, which carried.

AWARD BID – HARTER HEIGHTS STORM SEWER SEPARATION – PROJECT NO. 105-012 (SEWER BOND)

Mr. Jason Durr, Engineering, advised the Board that on July 24, 2006, bids were received and opened for the above referred to project. After reviewing those bids, Mr. Durr recommends that the Board award the contract to the lowest responsive and responsible bidder, HRP Construction, Inc., 5777 Cleveland Road, South Bend, Indiana, in the amount of \$1,396,779.40. Therefore, Mr. Littrell made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Inks seconded the motion, which carried.

AWARD BID – VOORDE DRIVE EXTENSION – PROJECT NO. 105-069 (AEDA/TIF)

Mr. Rob Nichols, Engineering, advised the Board that on July 10, 2006, bids were received and opened for the above referred to project. After reviewing those bids, Mr. Nichols recommends that the Board award the contract to the lowest responsive and responsible bidder, R&R Excavating, Inc., 2010 Went Avenue, Mishawaka, Indiana, in the amount of \$1,070,055.70. Therefore, Mr. Inks made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

AWARD QUOTATION – MORRIS PERFORMING ARTS CENTER – ALLEY DRAINAGE IMPROVEMENTS – PROJECT NO. 106-064

Mr. Rob Nichols, Engineering, advised the Board that quotes were received August 4, 2006 and opened for the above referred to project. Mr. Littrell stated this was an emergency quote due to water intrusion and a safety issue. After reviewing quotations received, Mr. Nichols recommends the Board award the quotation to Herrman & Goetz, Inc., dba Underground Services, 225 South Lafayette Boulevard, South Bend, Indiana in the amount of \$15,865.00.

Therefore, Mr. Littrell made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Inks seconded the motion, which carried.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – KENMORE STREET MODEL BLOCK (FORD STREET TO SAMPLE STREET) /TITLE SHEET – PROJECT NO. 106-038 (CDBG)

In a memorandum to the Board, Mr. Rob Nichols, Engineering, requested permission to advertise for the receipt of bids for the above referred to project. The Title Sheet for this project was also submitted for approval. Therefore, upon a motion made by Mr. Littrell, seconded by Mr. Inks, the above request to advertise and the Title Sheet were approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – MIAMI STREET STREETSCAPES – INDIANA STREET TO BROADWAY /TITLE SHEET – PROJECT NO. 106-045 (COIT)

In a memorandum to the Board, Mr. Rob Nichols, requested permission to advertise for the receipt of bids for the above referred to project. The Title Sheet for this project was also submitted for approval. Therefore, upon a motion made by Mr. Littrell, seconded by Mr. Inks, the above request to advertise and the Title Sheet were approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS– WESTERN AVENUE STREETSCAPES – ALBERT STREET TO ILLINOIS STREET/TITLE SHEET – PROJECT NO. 106-046 (COIT)

In a memorandum to the Board, Mr. Rob Nichols, requested permission to advertise for the receipt of bids for the above referred to project. The Title Sheet for this project was also submitted for approval. Therefore, upon a motion made by Mr. Littrell, seconded by Mr. Inks, the above request to advertise and the Title Sheet were approved.

REMOVE REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS– STABILIZATION OF CSO NO. 6 OUTFALL/TITLE SHEET – PROJECT NO. 105-054 (2004 SEWER BOND)

This item was removed from the Agenda, as it had already received Board approval on July 24, 2006.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – TRAFFIC SIGNALS NETWORK EXPANSIONN – DIVISION “A”/CLEVELAND ROAD AND DIVISION “B”/AMERITECH DRIVE/TITLE SHEET – PROJECT NO. 106-060 (AEDA TIF)

In a memorandum to the Board, Mr. Rob Nichols, requested permission to advertise for the receipt of bids for the above referred to project. The Title Sheet for this project was also submitted for approval. Therefore, upon a motion made by Mr. Inks, seconded by Mr. Littrell, the above request to advertise and the Title Sheet were approved.

APPROVAL OF CONTRACTS/AGREEMENTS/PROPOSALS/ADDENDA

The following Contracts/Agreements/Proposals/Addenda were presented to the Board for approval:

TYPE	BUSINESS	DESCRIPTION	AMOUNT	MOTION/ CARRIED
Construction Contract	Walsh & Kelly, Inc.	2006 Concrete Pavement Repairs	\$174,710.00	Littrell/Inks
Proposal	Dudek Roofing	Roofing for Fire Station No. 7		Tom Bodnar noted this project will be re-solicited and opened at Board of Public Works regular meeting on 8/14/06.
Escrow Agreement	St. Joseph Capital Bank/Brown & Brown General Contractors, Inc.	Fire Station No. 2		Inks/Littrell
Construction Contract	Brown & Brown General Contractors, Inc.	Fire Station No. 2	\$2,104,005.00	Littrell/Inks

APPROVE TITLE SHEET – VILLAS AT IRELAND WOODS

Mr. Gilot advised that the Title Sheet for the above referred to subdivision was being presented at this time for execution. Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the above referred to Title Sheet was approved and signed.

ADJOURNMENT

There being no further business to come before the Board, upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the meeting adjourned at 10:12 a.m.

BOARD OF PUBLIC WORKS

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Gary A. Gilot, President

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Carl P. Littrell, Member

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Donald E. Inks, Member

ATTEST:

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Angela K. Jacob, Clerk